REMARKS

Claims 11-19 are now pending in this application for which applicant seeks reconsideration. Claim 11 has been withdrawn as directed to a non-elected invention.

Amendment

Independent claims 12 and 13 have been amended to improve their clarity, as well as to overcome the § 112 rejection. In this respect, these claims no longer refer to "units," but rather refer to a controller that carry out the functionalities of the "units." New claims 14-19 have been added. See at least paragraphs 76, 86, 87, 90, 91, 112, 115, 117-121, 124-127, 135, 136 of the published application (USPGP 2004/0205261), and references 503, 504 in Fig. 5, 704 in Fig. 7, 1002, 1005, 1006 in Fig. 11, S1904, S1906, S1910 in Fig. 20. No new matter has been introduced.

§ 112 Rejection

Claims 12 and 13 were rejected under 35 U.S.C. § 112, second paragraph, because the claimed terms, namely "encrypting unit," "encrypted licensing condition," "designating unit," "first storage unit," "second storage unit," "changing unit," "counting unit," lack antecedent basis in the specification. According to the examiner, the original specification does not refer to the claimed language.

Although the present amendment obviates this objection, applicants submit that there is no requirement anywhere in Rule 75(d)(1) that the claim language follow the exact language appearing in the specification. Indeed, the claim language merely needs to be supported so that the meaning of the terms in the claims may be ascertainable by reference to the description and the drawings. For example, the claimed generating device clearly corresponds to the license information generating module 901.

Moreover, the examiner is urged to review the Memorandum[1] from Deputy Commissioner for Patent Examiner Policy, John Love, which states that the examiners should make rejections under this statute only where a person of ordinary skill in the art could not determine the metes and bounds of the claim. If a claim, read in light of the specification, reasonably apprises those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute (35 U.S.C. §112, ¶2) demands no more.[2]

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[1] Memorandum from John Love, Deputy Commissioner for Patent Examination Policy to the

[2] MPEP §2173.05(a)II.

Art Rejection

Claims 12-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nakamura (USPGP 2002/0143568) in view of Wang (USPGP 2002/0198843). Applicant traverses this rejection.

Amended independent claim 12 calls for a license managing system comprising an information processing apparatus (e.g., 302, 303, or 304) and image forming apparatus (e.g., 100) having a controller and a program module adapted to control a printer engine.

The information processing apparatus has:

(1) a generating device (e.g., 901 in Fig. 10) that encrypts an input licensing condition and generates license information for controlling the program module to start the license information, which includes the encrypted licensing condition (see paragraph 86), wherein the license condition includes a module ID for the program module and a total number of print surfaces the program module is allowed to process (see paragraphs 87, 90, and 91, and references 1002, 1005 in Fig. 11);

The first controller is adapted to:

(2) obtain the license information from the information processing apparatus to decrypt the encrypted licensing condition included in the obtained license information (see paragraphs 76 and 112, and reference 704 in Fig. 7);

(3) update a record for managing used resources of the program module based on the module ID of the decrypted licensing condition included in the obtained license information (see paragraph 115 and reference 503 in Fig. 5);

(4) count up a total number of print surfaces printed in the printing process carried out by the printer engine (paragraphs 117-121 and reference 504 in Fig. 5);

(5) compare the total number of the print surfaces included in the updated record of the program module to perform a first determination of determining whether the total number of the print surfaces included in the updated record of the program module exceeds the total number of the counted print surfaces (see paragraph 124, references 503 in Fig. 5 and S1904 in Fig. 20); and

(6) error terminate the program module, when the first determination determines that the total number of the print surfaces indicated in the updated record of the program module exceeds the counted total number of the print surfaces (see paragraphs 124, 128, and reference S1910 in Fig. 20).

Method independent claim 13 substantially parallel independent claim 12. These claims essentially call for an apparatus and a method that limit execution of a program module installed in an image forming apparatus based on the input license condition. When the total number of print surfaces used by the program module exceeds a predetermined number, the program module is disabled.

As previously explained, Nakamura discloses an image processing apparatus that stores upgradable trial functions (software) that can be started by the user. Nakamura provides termination, extension of a period, etc., of the trial. Nakamura also discloses that when the trial function is activated, the number of copies used in the trial can be monitored as client data indicating how often the user uses the trial mode, which data can later aid in provision of services. See paragraph 62. Nakamura, however, does not use the number of copies printed, for instance, for determining whether to disable the trial function. Rather, Nakamura strictly uses the trial period, namely a range of days, regardless of the frequency of use.

In this respect, applicant explained that Nakamura does not disclose setting the ending of the trial function according to the number of copies processed during the trial period, and that the previously applied secondary reference (Quistgaard) would not have alleviated Nakamura's shortcomings even if it disclosed the encrypting feature missing in Nakamura.

In response, the examiner acknowledges that Nakamura does not teach determining the validity of license based on the number of printed pages. According to the examiner, Wang discloses limiting the license based on the number of copies.

Wang indeed discloses a licensing condition for limiting licensing **distribution**, but Wang's licensing condition does not include the total number of the print pages. In this respect, applicant submits that Wang also would not have taught limiting license based on the number of pages printed. Moreover, applicant submits that Wang lacks nexus to the number of total pages printed since it calls for **limiting the number of copies of the same document** (e.g., ticket).

Applicant thus submits that the combination urged by the examiner still would not have taught at least claimed features (5) and (6) of determining the validity of license based on the number of printed pages and terminating the license if determined to be invalid (the total number of pages exceeds the predetermined limit set forth in the license). Specifically, none of the applied references disclose or teach comparing the total number of print pages indicated in a record of a program module and the total number of the print pages counted up to determine whether the total number of the print pages indicated in the record of the program module exceeds the total number of the counted print surfaces.

Moreover, new claims 16 and 19 further call for the following features:

(7) performing a third determination of determining, based on the module ID, whether or not the total number of the print surfaces the program module allowed to process should be compared in the first determination, and skipping the first determination when the third determination determines not to process; and

(8) performing a fourth determination of determining, based on the module ID, whether or not the total number of the original surfaces the program module allowed to process should be compared in the first determination, and skipping the second determination when the fourth determination determines not to process.

According to claims 16 and 19, when the module ID, for instance, indicates that a parameter included in the licensing condition need not be used in the determination performed by the claimed image forming apparatus, the claimed image forming apparatus skips that determination, improving the processing speed of the claimed image forming apparatus.

Applicant submits that the applied references further would not have taught features (7) and (8) of claims 16 and 19.

Conclusion

For the foregoing reasons, applicant submits that claims 12-19 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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